



FAIRFAX
COUNTY

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Archaeological Survey Submission Requirements

PUBLIC HEARING DATES

Planning Commission

September 27, 2006 at 8:15 p.m.

Board of Supervisors

October 23, 2006 at 4:00 p.m.

**PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
(703) 324-1314**

July 31, 2006

CC



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For additional information call (703) 324-1334.

STAFF COMMENT

The proposed amendment is on the 2006 Priority 1 Zoning Ordinance Amendment Work Program and would add a Phase I archaeological survey submission requirement for certain rezoning, development plan, special permit, special exception and variance applications located in or near a Historic Overlay District.

Current Zoning Ordinance Provisions

Historic Overlay Districts

Currently, there are thirteen Historic Overlay Districts designated by the Board of Supervisors and protected by special provisions in the Zoning Ordinance. These provisions are contained in Part 2 of Article 7 of the Zoning Ordinance. The specific requirements for each of the thirteen Historic Overlay Districts designated by the Board are contained in Appendix 1 of the Zoning Ordinance. The purpose for the creation of the Historic Overlay Districts includes the identification, preservation and protection of areas, structures and places that have special historical, cultural, architectural, or archaeological significance as provided by § 15.2-2306 of the *Code of Virginia*, as amended. The regulations within the district are intended to protect against the destruction of or encroachment upon these resources and to encourage uses which will lead to their continuance, conservation and improvement.

Once a Historic Overlay District is established, certain administrative procedures for the enforcement of the district regulations must be followed, including the review of rezoning, special exception, special permit and variance applications by the Architectural Review Board (ARB). These provisions are contained in Sect. 7-204 of the Zoning Ordinance. One of the standards considered by the ARB in the review of all applications is that significant archaeological resources affected by a project should be protected and preserved; and if such resources must be disturbed, mitigation measures should be undertaken.

Submission Requirements

The Zoning Ordinance contains requirements for the submission of an application for a rezoning, development plan, special exception, special permit or variance. The submission requirements for these applications are contained in Sections 18-202, 16-302, 16-501, 16-502, 9-011, 8-011 and 18-403, respectively. The submission requirements apply to all applications, including projects in Historic Overlay Districts. An application must meet all submission requirements of the Zoning Ordinance before it is accepted for processing and review by County staff. The submission requirements for applications are designed to provide information to review the application for compliance with the Comprehensive Plan and Zoning Ordinance and to review the proposal for its impacts on land use, transportation, environmental resources, public facilities and other factors, including heritage resources. Additionally, upon receipt of a written request with justification, the existing Zoning Ordinance provisions allow the Zoning Administrator to modify or waive certain submission requirements if it is determined that the requirement is clearly not necessary for the review of the application.

Archaeological Survey Requirements

Currently, there is no requirement in the Zoning Ordinance to conduct an archaeological survey at any stage of the development process, unless otherwise required by development conditions or proffered conditions. However, the County's Comprehensive Plan contains policies and objectives to encourage preservation of heritage resources; and a comprehensive, systematic approach to help protect and preserve the County's significant heritage resources is contained in the County's Heritage Resource Management Plan which was adopted by the Board of Supervisors in 1988.

Background

Archaeological Investigation and Documentation

A Phase I archaeological survey is the first of three levels of investigation and documentation for cultural resources based on generally accepted standards and guidelines issued by the Secretary of the Interior and the Virginia Department of Historic Resources. In general, a Phase I survey is the identification phase, a Phase II is the evaluation (or testing) phase, and a Phase III is the treatment (or data recovery) phase. A Phase I survey differs from a Phase II and Phase III investigation in that a Phase I survey focuses on identification of archaeological resources, not on the recovery of resources. More specifically, a Phase I survey is an archaeological investigation conducted by a qualified archaeological consultant meeting the qualifications set forth in the *Secretary of the Interior's Professional Qualifications Standards* (48 FR 44716) established by the National Park Service. These qualifications include educational and professional experience in the field of archaeology.

The goal of a Phase I survey is to locate and identify all archaeological sites in a survey area, to estimate site size and boundaries, to provide an explanation as to how the estimate was made, and to assess the potential for further investigation. The survey involves both background research and field work. The background research typically involves reviewing site files, including archaeological site forms and associated documentation to gather information about previously documented archaeological sites; archival information, including primary and secondary sources; historic maps; and aerial photographs to develop a general historic context for any archaeological findings. Field work typically involves a systematic visual inspection of the surface and excavation of small (generally eighteen inches in diameter) shovel test pits (STPs) known as shovel testing to assess the presence or absence of intact archaeological deposits or features within the survey area. STPs are generally excavated to subsoil that has not been disturbed by human activity. Field notes for each STP are recorded and include information such as the location of the STP, a profile drawing or detailed description of strata and soil types and a list of any artifacts. A detailed map is also prepared showing the areas surveyed, the areas eliminated from survey due to disturbance, slope, wetness, etc., and the location of positive (where artifacts are found) and negative (where no artifacts are found) STPs. Artifacts recovered from STPs are washed and catalogued and information is presented in a Phase I report which includes sections on previous archaeological investigations, historic context, methodology, description of findings, interpretation and recommendations for future study, if necessary.

In addition to shovel testing, another commonly accepted field methodology for Phase I surveys in certain situations is remote sensing. Remote sensing is a survey method that uses devices such as metal detectors, proton magnetometers and ground penetrating radar to identify certain types of sites. For example, metal detectors may be more appropriately used for suspected military sites whereas ground penetrating radar may be more appropriately used for suspected cemeteries. When remote sensing devices are used, “ground truthing” is also necessary. Ground truthing is the excavation of a small hole to determine the nature of the material detected through remote sensing and whether the material detected is a cultural resource. Based on the type of site and suspected cultural resource, a combination of field methodologies may be appropriate. In the event that a Phase I Archaeological Survey leads to the identification of significant resources, the information may be used to require further investigation or other action as may be appropriate for the site.

Archaeological Resource Identification

Unprotected historical and archaeological resources (i.e., resources whose significance has not been evaluated and unrecorded resources on unsurveyed lands) are particularly vulnerable to loss due to a variety of factors. These factors include inadequate survey or assessment of heritage resources during the earliest stages of project planning, construction on unsurveyed lands and relic hunting. The purpose of a Phase I Archaeological Survey is to identify areas containing historical and/or archaeological resources. Although there is a potential for heritage resources to exist anywhere in the County, there is a higher probability for such resources to exist in Historic Overlay Districts given the presence of historic structures and the known history and documentation of historic structures in Historic Overlay Districts. As noted above, currently there is no requirement to conduct an archaeological survey at any stage during the development process, unless otherwise required by development conditions or proffered conditions. Conducting a Phase I survey after a zoning, development plan, special exception, special permit or variance approval has been granted may be too late in the process given that the overall site layout has been determined by the approved development plan or plat. Thus, it is important that a Phase I Archaeological Survey be conducted as early in the development process as possible.

Proposed Amendment

In order to assist in the understanding of what a Phase I archaeological survey entails, what is considered to be a significant archaeological resource, and what types of field methodologies are used for archaeological investigations, the proposed amendment sets forth five new definitions to Article 20 of the Zoning Ordinance. The definitions are listed below:

PHASE I ARCHAEOLOGICAL SURVEY: An archaeological investigation conducted by a qualified archaeological consultant meeting the Professional Qualification Standards established by the Secretary of the Interior to locate and identify archaeological sites in a survey area; to estimate site size and boundaries of the archaeological site; to provide an explanation as to how the estimate was made; and to make recommendations for additional archaeological work or recommendations that no further work is required.

REMOTE SENSING: A group of techniques that permit the detection of underground phenomena unobserved by the human eye. REMOTE SENSING employs devices that can obtain readings from materials buried beneath the ground. Examples of REMOTE SENSING devices include proton magnetometers, electronic resistivity meters, ground-penetrating radar, metal detectors and other radar based testing equipment. When the REMOTE SENSING gives a positive reading that something is present beneath the soil, GROUND TRUTHING is conducted.

GROUND TRUTHING: The excavation of a small hole to determine the nature of the material detected through REMOTE SENSING and to determine whether it is a cultural resource.

SHOVEL TESTING: Small test excavations, referred to as shovel test pits, measuring approximately eighteen inches in width and excavated to soil levels that have not been disturbed by human activity. Shovel test pits are systematically excavated on a grid system across a site to determine the presence or absence of archaeological resources and are dug according to natural strata.

SIGNIFICANT ARCHAEOLOGICAL RESOURCES: Cultural resources which may be eligible for listing in the National Register of Historic Places and/or considered to have public significance as defined by the County's Heritage Resource Management Plan.

In an effort to help identify archaeological resources earlier in the development process and to help enable the design of projects to be sensitive to such features, the proposed amendment adds a new requirement for development projects disturbing 2,500 square feet or more of land which are located wholly or partially within, or contiguous to, a Historic Overlay District, and which are subject to an application for a rezoning, development plan, special exception, special permit or variance. Applicants seeking such approval must consult with the County's Cultural Resource Management and Protection Section of the Fairfax County Park Authority (Cultural Resource Section) concerning the probability for the application property to yield significant archaeological resources and whether a Phase I Archaeological Survey is necessary. This consultation must occur prior to the acceptance of a zoning application, and the applicant must submit certain information for review on the Archaeological Survey Data Form to facilitate review of the proposal by the County. The required information includes (1) general site information including the tax map, parcel number and street address of the site; (2) a description of the proposal including type of application and proposed use; and (3) a graphic drawn to scale showing the dimensions of all existing buildings and their distances from property lines. A copy of the Archaeological Survey Data Form is enclosed as Attachment A.

Staff recognizes there is a cost associated with conducting an archaeological survey. Discussions with several archaeological consultants in the area revealed an approximate average cost of \$1,000 to \$2,500 per acre depending upon the probability of archaeological sites, the level of effort required to perform the survey, the number of artifacts anticipated and other variables related to performing the study. Based on this estimate, a Phase I survey for a ten acre site may cost an estimated \$10,000 to

\$25,000; however, in an effort to balance the cost of conducting a survey with the value of identifying and preserving historic resources, three components are included as part of the proposed amendment to help mitigate this expense. These components are discussed below.

Project must be within or contiguous to a Historic Overlay District. Staff proposes to require a Phase I Archaeological Survey submission requirement only for projects located wholly or partially within, or contiguous to, a Historic Overlay District. Staff has conducted research to determine the number of zoning applications filed in the thirteen existing Historic Overlay Districts to gauge the impact of the proposed amendment on potential future development. Between 2003 and 2005, seventeen projects were proposed within an existing Historic Overlay District, resulting in an average of approximately six projects per year. It should be noted that several projects consisted of more than one application, such as a concurrent rezoning and final development plan application. The proposed archaeological survey requirement will have no impact on most zoning applications, as most zoning applications are not within or contiguous to a Historic Overlay District. Furthermore, the submission requirement will only be applicable to those areas that have been previously identified as having historic significance.

Staff notes that the proposed amendment would also apply to any expanded or future Historic Overlay Districts. The Board adopted 2006 Priority 1 Zoning Ordinance Amendment Work Program contains two proposed amendments that would be impacted by this amendment, including the expansion of the Centerville Historic Overlay District and the creation of Historic Overlay Districts on Mason Neck. Although these proposed amendments may increase the potential area subject to the new submission requirement, staff does not anticipate a significant increase in the number of zoning applications filed annually.

Project description and staff review of existing archaeological resources. Staff proposes to help define the area where a survey is required based on the project description provided by the applicant through the Archaeological Survey Data Form and the expertise of the Cultural Resource Section who has access to proprietary information on previously identified archaeological resources in the County. A primary reason for requiring applicants to submit information to the Cultural Resource Section is to help staff better locate the areas of potentially significant resources to limit the areas of investigation. Given that many areas of the County have been disturbed in some fashion over time, it is important to note what exists on the site and what is being proposed. Both types of information help in the determination of whether an archaeological survey is required. For example, although a project may contain ten acres, the Cultural Resource Section, based on available information, may determine that only two of the ten acres have the potential to contain significant archaeological resources. Of the two acres, a portion of that area may already be developed and contain an office building with underground parking. As a result, only the area not already disturbed by the prior office building development would be required to be surveyed since any archaeological resources that may have existed previously on the site would have been destroyed by the earlier development.

Another example where less than the total area may require a survey is an area that contains a wetland, floodplain and/or resource protection area. Although significant resources may exist in such areas, a survey may not be required for such portions of the site if land disturbing activity will not take

place in those areas.

Minimum amount of land disturbing activity must be 2,500 square feet or more. Staff proposes to limit the requirement to applications with 2,500 square feet or more of land disturbing activity. Although there may be some probability for smaller areas to contain resources, staff believes it prudent to include a minimum amount of land disturbing activity before requiring the submission of a survey. Staff believes that the 2,500 square foot cut off is appropriate given that this is the same minimum amount of land disturbing activity that requires grading plan approval by the County. Including this minimum amount of land disturbing activity would also preclude such minor home improvement projects such as most decks or storage sheds from an added expense. Additionally, most decks and storage sheds are allowed by right and would not be subject to this requirement. Further, for many types of minor home improvement projects, the land area has already been disturbed by the grading required to build the existing house on the lot. Therefore, the impact of digging posts for a deck foundation or grading an area to pour a concrete slab for a shed on an already developed lot would not likely yield significant archaeological resources.

Staff believes that the inclusion of these components helps strike the appropriate balance between the cost of requiring an archaeological survey and the preservation of valuable archaeological resources.

Process

As part of this amendment, a new archaeological submission requirement process is proposed and is described below. A flowchart of the overall proposed process is enclosed as Attachment B.

For projects potentially subject to an archaeological survey, the applicant must complete and submit the Archaeological Survey Data Form and consult with the Cultural Resource Section prior to the acceptance of a zoning application. Upon submission of the Data Form, the Cultural Resources Section has 15 days to determine whether the property has no, low, or medium to high probability to yield significant archaeological resources and whether a Phase I Archaeological Survey will be acquired for acceptance of any rezoning, development plan, special exception, special permit or variance application. In making this determination, the Cultural Resources Section performs research, including the review of their files and proprietary information on the County's Geographical Information System.

If the Cultural Resource Section determines that there is **no potential** to yield significant archaeological resources, then neither a survey nor a report of the survey results would be required to be submitted; however, the applicant would be required to submit the Archaeological Survey Data Form with comments from the Cultural Resource Section in conjunction with the submission of the zoning application to the Department of Planning and Zoning.

If the Cultural Resource Section determines that there **is potential to yield significant archaeological resources**, then a Phase I Archaeological Survey must be conducted and a report of the survey results would be required to be submitted to the Cultural Resource Section prior to the acceptance of the zoning application by Department of Planning and Zoning staff. In such instances,

the applicant must obtain the services of a qualified archaeological consultant to conduct a survey and prepare a report of the survey results. The Commonwealth of Virginia, the District of Columbia and the State of Maryland maintain a list of archaeological consultants and individuals who have expressed an interest in conducting contract research and who meet the qualifications set forth in the *Secretary of the Interior's Professional Qualifications Standards* (48 FR 44716). Inclusion on such list does not constitute endorsement nor do the lists necessarily cover all possible consultants available and qualified for work in the area. The listings of qualified archaeologists may be obtained from the Virginia Department of Historic Resources, the District of Columbia Historic Preservation Office or the Maryland Historical Trust, respectively. Except as noted below, the determination that the property has a low probability to yield significant archaeological resources would require the consultant to conduct a walkover survey with shovel testing every **50 feet** whereas a property with **medium to high probability** would require a walkover survey with shovel testing every **20 feet**. The higher the probability of significant resources, the closer together the STPs are excavated to assess the presence or absence of archaeological features within the survey area. In the event that the suspected resource on the property is a military site, STPs and/or remote sensing and ground truthing would be required. For areas where the suspected resource on the property is a cemetery, only remote sensing and ground truthing would be required. In cases where a survey is required, the Cultural Resource Section must be notified at least five working days prior to any field work.

Following the research and field work of the professional archaeologist, the results of both the background research and field work must be provided to the Cultural Resource Section in a report. The report must include the information specified in proposed Par. 7 of Sect. 7-210 which is modeled on the *Guidelines for Archaeological Investigations in Virginia, 1996*. These guidelines are based on the federal guidelines for archaeology and historic preservation issued by the Secretary of the Interior. A summary of the information to be contained in the report includes the following:

- Name, contact information, organizational affiliations and professional qualifications of the person preparing the report.
- One copy of a topographic map covering the area with the boundaries of the site outlined.
- Project description.
- Concise history of the area surrounding the property to provide a historic context and a more specific history of the property.
- A description of any previous archaeological studies that have been conducted in the vicinity of the project.
- A listing of written resources cited in the study.
- A site map showing the project boundaries and where all archaeological survey work was performed and the location of all STPs and whether artifacts were found.
- A profile drawing of selected STPs.
- A written description of the survey findings, including the methodology used in the archaeological survey work, the number of archaeological sites recorded according to resource type (e.g., Native American or Civil War), list of artifacts recovered, identification of areas not tested, if any, and why, and identification of areas with the potential to contain intact archaeological resources.
- Recommendations for additional archaeological work or recommendations that no further

work is required, with supporting archaeological evidence.

- An executive summary which includes the date of site work, staff involved in the site work, the number of archaeological sites recorded, any areas not tested and the reasons for not testing those areas, and the recommendations for additional work or no further work supported by archaeological evidence.

The applicant must submit two copies of the report to the Cultural Resource Section. A copy of the completed Archaeological Survey Data Form with the Executive Summary must also be submitted to the Cultural Resource Section. Applications will not be accepted by the Zoning Evaluation Division until either the Form stating that no archaeological work is required or stating that the report was submitted and meets the submission requirements is received.

In light of the sensitivity of revealing the location of significant archaeological resources, staff is proposing that only an Executive Summary of the results of the survey become a part of the public record. Staff has a concern with disclosing the location of significant archaeological resources due to the existence of relic hunters. A major tenant of archaeology is the identification and preservation of resources and learning from the context from which the artifact was found. An artifact out of context loses much of its historic value.

Given that the submission requirements are designed to provide information concerning compliance with the Zoning Ordinance and Comprehensive Plan and potential impacts on land use, transportation, environmental resources, public facilities and other factors, the addition of a Phase I Archaeological Survey submission requirement will provide additional information about the site that can be considered at the same time as other factors during the zoning process. Additionally, as with other certain submission requirements, the proposed amendment allows the Zoning Administrator to modify or waive the requirement for a Phase I Archaeological Survey if it can be adequately demonstrated that such survey is clearly not necessary for the review of the application. However, under no circumstances can the Archaeological Survey Data Form submission requirement be waived. Any application submission requirement waiver request, including a request to waive the Survey requirement, requires the applicant to provide a written request with justification to the Zoning Administrator.

The proposed amendment has been reviewed by and coordinated with the Fairfax County History Commission and the Fairfax County Architectural Review Board (ARB). On June 7, 2006 and June 8, 2006, respectively, the History Commission and ARB recommended approval of the proposed amendment with a revision to allow, in addition to STPs, other types of commonly accepted field methodologies to be performed as part of a Phase I Archaeological Survey. Staff concurs with the recommendations of the History Commission and ARB, and the proposed amendment was revised to incorporate these recommendations.

Summary

In summary, the proposed amendment is intended to help ensure that any potential cultural resources

are considered during the zoning review process and to place the consideration of such resources on equal footing as other considerations, such as tree preservation and traffic impacts. Staff believes that the proposed amendment will help identify archaeological resources earlier in the development process and will help ensure that the design of projects is sensitive to such features. Given that there is a higher probability for heritage resources to exist in Historic Overlay Districts, staff believes it appropriate to add the archaeological survey submission requirement to properties located wholly or partially within or contiguous to a Historic Overlay District. Additionally, staff believes that it is appropriate to only require the archaeological survey submission requirement for applications that involve 2,500 square feet or more of land disturbing activity in order to avoid imposing an undue burden on applicants. Staff believes that an appropriate balance is achieved between the potential preservation of significant archaeological resources without adding an overly burdensome requirement on the applicant. Therefore, staff recommends approval of the proposed amendment with an effective date of 12:01 AM on the day following adoption. Staff further recommends that this amendment only be applicable for those applications that are submitted on or after the effective date.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of July 31, 2006. There may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

1 Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, by
2 adding new definitions for Phase I Archaeological Survey, Remote Sensing and Ground
3 Truthing, Shovel Testing and Significant Archaeological Resources in the correct alphabetical
4 order to read as follows:

5
6 **GROUND TRUTHING:** The excavation of a small hole to determine the nature of the material
7 detected through REMOTE SENSING and to determine whether it is a cultural resource.

8
9 **PHASE I ARCHAEOLOGICAL SURVEY:** An archaeological investigation conducted by a
10 qualified archaeological consultant meeting the Professional Qualification Standards established by the
11 Secretary of the Interior to locate and identify archaeological sites in a survey area; to estimate site size
12 and boundaries of the archaeological site; to provide an explanation as to how the estimate was made;
13 and to make recommendations for additional archaeological work or recommendations that no further
14 work is required.

15
16 **REMOTE SENSING:** A group of techniques that permit the detection of underground phenomena
17 unobserved by the human eye. REMOTE SENSING employs devices that can obtain readings from
18 materials buried beneath the ground. Examples of REMOTE SENSING devices include proton
19 magnetometers, electronic resistivity meters, ground-penetrating radar, metal detectors and other radar
20 based testing equipment. When REMOTE SENSING gives a positive reading that something is present
21 beneath the soil, GROUND TRUTHING is conducted.

22
23 **SHOVEL TESTING:** Small test excavations, referred to as shovel test pits, measuring approximately
24 eighteen (18) inches in width and excavated to soil levels that have not been disturbed by human activity.
25 Shovel test pits are systematically excavated on a grid system across a site to determine the presence or
26 absence of archaeological resources and are dug according to natural strata.

27
28 **SIGNIFICANT ARCHAEOLOGICAL RESOURCES:** Cultural resources which may be eligible for
29 listing in the National Register of Historic Places and/or considered to have public significance as defined

by the County's Heritage Resource Management Plan.

Amend Article 7, Overlay and Commercial Revitalization District Regulations, Part 2, Historic Overlay Districts, by adding a new Sect. 7-210 to read as follows:

7-210 Archaeological Survey Requirements

To further the purpose and intent of the Historic Overlay Districts and to aid in the identification and protection of historic and/or archaeological resources located within or in the vicinity of any Historic Overlay District, the following shall be required:

1. Prior to submission of any rezoning, development plan, special exception, special permit or variance application that involves 2500 square feet or more of land disturbing activity and where such application property is located wholly or partially within or contiguous to a Historic Overlay District, the Fairfax County Park Authority shall be consulted concerning the probability for the application property to yield significant archaeological resources.
2. At the time of consultation with the Fairfax County Park Authority, the following information shall be submitted on the Archaeological Survey Data Form provided by the County:
 - A. Tax map, parcel number, street address and Magisterial District of the site.
 - B. One (1) copy of the current Fairfax County Zoning Section Sheet(s) at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use, showing the existing zoning classification for all land appearing on the map. If more than one (1) Zoning Section Sheet is required to cover the area, such sheets shall be attached so as to create an intelligible map. The boundaries of the subject site shall be outlined in red thereon.
 - C. Description of the proposal to include type of application and proposed use, and a graphic drawn to scale showing the dimensions of all existing buildings and the distances of buildings from property lines.
3. The Fairfax County Park Authority shall respond to the applicant in writing within fifteen (15) business days from the date of receipt of the required information set forth in Par. 2 above as to the probability for the property to yield no, low, or medium to high archaeological resources and whether a Phase I Archaeological Survey shall be performed and a report of the survey results submitted to the County for review as part of the submission requirements for a rezoning, development plan, special exception, special permit or variance application. If required, the Phase I Archaeological Survey results shall include the information contained in Par. 7 below.

- 1 4. If the Fairfax County Park Authority determines that the application property has no
2 potential to yield significant archaeological resources, then the applicant shall submit the
3 Archaeological Survey Data Form with comments from the Fairfax County Park Authority in
4 conjunction with the submission of the rezoning, development plan, special exception, special
5 permit or variance application.
6
- 7 5. If the Fairfax County Park Authority determines that the application property has a low
8 probability or a medium to high probability to yield significant archaeological resources, then
9 the following shall be required:
10
- 11 A. A Phase I Archaeological Survey shall be conducted by a qualified archaeological
12 consultant meeting the Professional Qualification Standards established by the
13 Secretary of the Interior and shall include the following:
14
- 15 (1) For suspected military sites, a walkover survey with shovel testing and/or remote
16 sensing and ground truthing.
17
- 18 (2) For suspected cemetery sites, remote sensing and ground truthing
19
- 20 (3) For all other sites, a walkover survey with shovel testing.
21
- 22 (4) When shovel testing is conducted for property with a low probability to yield
23 significant archaeological resources, the shovel testing shall be performed every
24 fifty (50) feet. When shovel testing is conducted with medium to high probability
25 to yield archaeological resources, the shovel testing shall be performed every
26 twenty (20) feet.
27
- 28 The applicant shall notify the Fairfax County Park Authority at least five (5) working
29 days prior to the time the field work is to be done.
30
- 31 B. A report of the survey results from Par. A above shall be provided to the Fairfax
32 County Park Authority prior to any rezoning, development plan, special exception,
33 special permit or variance application acceptance. The report of the survey results
34 shall include the information contained in Par. 7 below along with the Archaeological
35 Survey Data Form with comments from the Fairfax County Park Authority.
36
- 37 6. Two (2) copies of the survey results for the Phase I Archaeological Survey shall be provided
38 to the Fairfax County Park Authority in a report which shall include:
39
- 40 A. Name and location of the project to include tax map number, street address and
41 Magisterial District.
42
- 43 B. Name, address, phone number, organizational affiliation and professional qualifications

1 of the person preparing the report.

- 2
- 3 C. One (1) copy of a topographic map at a scale of one inch equals five hundred feet (1"
4 = 500'), covering the area within at least a 500 foot radius of the proposed use. The
5 boundaries of the subject site shall be outlined in red thereon.
- 6
- 7 D. Project description to include the proposed use, the existing and proposed structures
8 and parking, identification of the existing structures that are to remain, the limits of
9 clearing and grading and vehicular access into the site.
- 10
- 11 E. A concise history of the area surrounding the property to provide a historic context
12 and a more specific history of the property. This history shall include historic
13 photographs, if available, and historic maps with the project area outlined.
- 14
- 15 F. Description of any previous archaeological studies that have been conducted in the
16 vicinity of the project to include any such studies contained in the Fairfax County Park
17 Authority files.
- 18
- 19 G. A listing of all books, maps, manuscripts, websites, personal communication and other
20 resources cited in the study, including the title, author, date, place of publication and
21 publisher.
- 22
- 23 H. A site map illustrating the project boundaries and the boundaries of where all
24 archaeological survey work was performed, location of all shovel tests where artifacts
25 were found (positive shovel tests), location of all shovel tests where artifacts were not
26 found (negative shovel tests) and the area where the archaeological survey work was
27 conducted in either square feet or in acres.
- 28
- 29 I. Profile drawings of selected representative shovel test pits. One (1) profile shall be
30 required for each change of stratigraphy.
- 31
- 32 J. A written description of the survey findings shall include:
- 33
- 34 (1) The date of site work;
- 35
- 36 (2) Staff involved in the site work, including professional certifications and college
37 degrees;
- 38
- 39 (3) Methodology used in the archaeological survey work;
- 40
- 41 (4) The number of archaeological sites that were recorded according to the
42 resource type (Native American, Civil War, etc.) with trinomial site numbers
43 obtained from the Virginia Department of Historic Resources;

(5) List of artifacts recovered;

(6) If there were any areas of the application property that were not tested, an explanation as to why those areas were not tested; and

(7) Identification of areas with the potential to contain intact archaeological resources.

K. Recommendations for additional archaeological work or recommendations that no further work is required shall be made and such recommendations shall be supported by archaeological evidence.

L. An Executive Summary statement which includes information from Paragraphs 6J(1), 6J(2), 6J(4) and 6J(6) above, and the recommendations from Par. 6K above.

7. When determined by the Fairfax County Park Authority that the report meets the submission requirements, the Fairfax County Park Authority shall indicate such on the Archaeological Survey Data Form and such Form shall be submitted by the applicant in conjunction with the rezoning, development plan, special exception, special permit or variance application.

Amend Article 8, Special Permits, Part 0, General Provisions, Sect. 8-011, Submission Requirements, by revising the lead-in paragraph and Par. 8 to read as follows:

- **Amend Part 0, General Provisions, Sect. 8-011, Submission Requirements, by revising the lead-in paragraph to read as follows:**

Option 1 – Reflects Sect. 8-011 as it exists on July 31, 2006.

All applications for special permit uses, except for temporary special permits, shall be accompanied by the following items, except that additional or modified submission requirements are set forth in Part 1 for all Extraction and Excavation Uses, in Part 3 for Home Child Care Facilities, in Part 4 for certain Community Uses, in Parts 5 and 6 for certain Commercial Recreation and Outdoor Recreation Uses and in Part 9 for Approval of Modifications to Minimum Yard Requirements for Certain R-C Lots, Approval of Reduction in Minimum Yard Requirements Based on Error in Building Location, Reduction of Certain Yard Requirements and Modification to the Limitations on the Keeping of Animals. Upon receipt of a written request with justification, the Zoning Administrator may modify or waive a submission requirement of Par. 2 below, or the archaeological submission requirement of Par. 8 below, if it is determined that the requirement is clearly not necessary for the review of the application.

OR

Option 2 – Reflects Sect. 8-011 as it would exist should the Board of Supervisors adopt the proposed Fence and/or Wall Height Zoning Ordinance Amendment prior to this amendment [*changes in bold italics*].

All applications for special permit uses, except for temporary special permits, shall be accompanied by the following items, except that additional or modified submission requirements are set forth in Part 1 for all Extraction and Excavation Uses, in Part 3 for Home Child Care Facilities, in Part 4 for certain Community Uses, in Parts 5 and 6 for certain Commercial Recreation and Outdoor Recreation Uses and in Part 9 for Approval of Modifications to Minimum Yard Requirements for Certain R-C Lots, Approval of Reduction in Minimum Yard Requirements Based on Error in Building Location, Reduction of Certain Yard Requirements, ***Increase in Fence and/or Wall Height in Any Front Yard*** and Modification to the Limitations on the Keeping of Animals. Upon receipt of a written request with justification, the Zoning Administrator may modify or waive a submission requirement of Par. 2 below, or the archaeological submission requirement of Par. 8 below, if it is determined that the requirement is clearly not necessary for the review of the application.

All applications for special permit uses, except for temporary special permits, shall be accompanied by the following items, except that additional or modified submission requirements are set forth in Part 1 for all Extraction and Excavation Uses, in Part 3 for Home Child Care Facilities, in Part 4 for certain Community Uses, in Parts 5 and 6 for certain Commercial Recreation and Outdoor Recreation Uses and in Part 9 for Approval of Modifications to Minimum Yard Requirements for Certain R-C Lots, Approval of Reduction in Minimum Yard Requirements Based on Error in Building Location, Reduction of Certain Yard Requirements, Increase in Fence and/or Wall Height in Any Front Yard and Modification to the Limitations on the Keeping of Animals. Upon receipt of a written request with justification, the Zoning Administrator may modify or waive a submission requirement of Par. 2 below, if it is determined that the requirement is clearly not necessary for the review of the application.

8. Where applicable, any information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

Amend Article 9, Special Exceptions, Part 0, General Provisions, Sect. 9-011, Submission Requirements, by revising the lead-in paragraph and Par. 9 to read as follows:

All applications for special exception uses shall be accompanied by the following items, except that additional or modified submission requirements are set forth in Part 1 for all Light Public Utility Uses, in

Part 2 for all Heavy Public Utility Uses, in Part 3 for all Quasi-Public Uses, in Part 4 for all Transportation Facilities, in Part 5 for certain Commercial and Industrial Uses of Special Impact, in Part 6 for a Cluster Subdivision and Modifications/Waivers/Increases and Uses in a Commercial Revitalization District, and Part 9 of Article 2 for Uses in a Floodplain. Upon receipt of a written request with justification, the Zoning Administrator may modify or waive a submission requirement of Par. 2 below or the archaeological submission requirement of Par. 9 below, if it is determined that the requirement is clearly not necessary for the review of the application.

9. Where applicable, any information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

Amend Article 16, Development Plans, as follows:

- **Amend Part 3, Submission Requirements for a PRC District, Sect. 16-302, Development Plan, by revising the introductory paragraph and Par. 10 to read as follows:**

In addition to the requirements set forth in Sect. 18-202 that shall accompany an application for a rezoning, a development plan, including any resubmissions and supporting graphics, shall be filed with the Zoning Administrator in twenty-three (23) copies and shall include the information set forth below. The Planning Commission or Board of Supervisors, in its review of the development plan, may request additional information in order to evaluate the impact of the proposed development on the surrounding area. All maps or plans submitted as part of a development plan shall be presented on a sheet having a maximum size of 24" x 36". If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. One 8 ½" x 11" reduction of the development plan and supporting graphics shall also be submitted. All submission requirements shall become the property of the County.

The sheet size and scale of a development plan may be modified by the Zoning Administrator, based on the nature and/or size of the application. In addition, the submission requirements for any amendment to an approved development plan shall be those requirements deemed necessary for a review of such amendment, as determined by the Zoning Administrator. Further, upon receipt of a written request with justification, the Zoning Administrator may modify or waive the archaeological survey requirement of Par. 10 below, if it is determined that the requirement is clearly not necessary for the review of the application.

10. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity

and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

- **Amend Part 5, Submission Requirements for all P Districts except the PRC District, as follows:**

- **Amend Sect. 16-501, Conceptual Development Plan, by revising Par. 5 and the concluding paragraph to read as follows:**

In addition to those requirements set forth in Sect. 18-202 that shall accompany an application for a rezoning, a conceptual development plan, certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State, including any resubmissions and supporting graphics, shall be filed with the Zoning Administrator in twenty-three (23) copies and shall include the following information. All maps or plans submitted as part of a conceptual development plan shall be presented on a sheet having a maximum size of 24" x 36". If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. One 8 ½" x 11" reduction of the conceptual development plan and supporting graphics shall also be submitted. All submission requirements shall become the property of the County.

5. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

The sheet size and scale of a conceptual development plan may be modified by the Zoning Administrator, based on the nature and/or size of the application. In addition, upon receipt of a written request with justification, the Zoning Administrator may modify or waive the Phase I Archaeological Survey requirement of Par. 5 above, if it is determined that the requirement is clearly not necessary for the review of the application.

- **Amend Sect. 16-502, Final Development Plan, by revising Par. 8 and the concluding paragraph to read as follows:**

A final development plan prepared in accordance with the approved conceptual development plan and certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State shall be filed with the Zoning Administrator in twenty-three (23) copies, including any resubmissions of the plan and supporting graphics. All maps, plans, sketches and illustrations submitted as part of a final development plan shall be presented on a sheet having a maximum size of 24" x 36". If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. One 8 ½" x 11"

reduction of the final development plan and supporting graphics shall also be submitted. All submission requirements shall become the property of the County. Such plan shall contain the following information:

8. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

The sheet size and scale of a final development plan may be modified by the Zoning Administrator, based on the nature and/or size of the application. In addition, upon receipt of a written request with justification, the Zoning Administrator may modify or waive the Phase I Archaeological Survey requirement of Par. 8 above, if it is determined that the requirement is clearly not necessary for the review of the application.

Amend Article 18, Administration, Amendments, Violations and Penalties, as follows:

- **Amend Part 2, Amendments, Sect. 18-202, Submission Requirements, by revising Par. 15 to read as follows:**

All applications for amendments to the Zoning Map, initiated in the manner prescribed by Par. 3 of Sect. 201 above, except as qualified below, shall be filed with the Zoning Administrator and shall include the following information:

15. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

- **Amend Part 4, Variances, Sect. 18-403, Submission Requirements, by revising the introductory paragraph and adding new Par. 10 to read as follows:**

An application for a variance shall be filed in accordance with and shall be subject to the provisions of Part 1 above and shall contain the information set forth below. Upon receipt of a written request with justification, the Zoning Administrator may modify or waive a submission requirement of Par. 2 below or the Phase I Archaeological Survey requirement of Par. 10 below, if it is determined that the requirement is clearly not necessary for the review of the application.

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10. An Archaeological Survey Data Form and a Phase I Archaeological Survey as may be required pursuant to Sect. 7-210 for applications resulting in land disturbing activity of 2500 square feet or more and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

Copies of Attachments A and B are available from the Zoning Administration Division at 12055 Government Center Parkway, Suite 807; Fairfax, Virginia 22035.